THE HON'BLE SRI JUSTICE P.S.NARAYANA

W.P.No. 16349 of 2006

DATED: 07-08-2006

Between:

Ch. Venkateswara Rao and others.

..Petitioners.

and

Government of Andhra Pradesh, rep. by its Secretary, Panchayat Raj Department, Secretariat, Hyderabad and others.

..Respondents.

THE HON'BLE SRI JUSTICE P.S.NARAYANA

W.P.No.16349 of 2006

ORDER:

Heard the counsel.

2. This writ petition is filed for a writ of mandamus or any other appropriate writ, order or direction declaring the action of respondents 1 to 4 in not taking any action on the representations submitted by the petitioners on 19-07-2006 and 25-07-2006 regarding collection of excess market fee from the vendors as illegal and arbitrary and pass such other suitable orders.

3. It is stated that the petitioners are all vendors, doing vegetable business etc., in the weekly market of Challapalli Village and Mandal, Krishna District for the last several years and they have been regularly paying the market fee as stipulated by the 4th respondent to the auction purchaser to collect asseel in the weekly market. Whoever be the auction purchaser, all these years, they are collecting the market fee from the petitioners and other vendors at the rates fixed by the 4th respondent. There is no occasion to have any controversy. It is stated that the petitioners came to understand that the 5th respondent appears to have approached this Court through W.P.No.6077 of 2006 questioning the action of 4th respondent in renewing the lease in favour of the

earlier lessee alleging that he would bid for more amount than the amount for which lease was granted by the 4th respondent for the year 2006-2007 and that this Court was pleased to dispose of the same by order, dated 19-06-2006, directing the 4th respondent to conduct public auction of the lease hold rights. It is stated that in compliance of the orders of this Court, 4th respondent had conducted auction of the right to collect asseel at the rate fixed by the Court. The 5th respondent appears to have become the highest bidder for a sum of Rs.4,00,500/-about three weeks back. No sooner the market was handed over to the 5th respondent, he started collecting excess amounts of market fee from the petitioners and other vendors than the rates fixed by the 4th respondent without issuing any receipts to them. When the petitioners questioned him about his highhanded excess collection of the market fee, he started proclaiming the he had approached this Court and obtained right to collect asseel for higher amount of lease and therefore, he would collect excess amounts from the vendors as per his own wish and will. It is also stated that the representations as aforesaid had been made by the petitioners are pending for consideration.

4. In the light of the facts and circumstances, this Court is of the considered opinion that the Writ Petition is to be disposed of with a direction to the respondents 1 to 4 to dispose of the representations submitted by the petitioners, dated 19-07-2006 & 25-07-2006 in accordance with law within a period of three weeks from the date of receipt of a copy of this order. It is needless to say that the respondents 1 to 4 also to put respondent No.5 and the petitioners on notice before passing appropriate orders on the

representations made by the petitioners.

With the above direction, the Writ Petition is disposed of. No order as to costs.

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P.S.NARAYANA,J

Dated:-07-08-2006

Note:
Issue CC by today.
(Bo)
sj